

**PITT COUNTY BOARD OF COMMISSIONERS
GREENVILLE, NORTH CAROLINA
JUNE 21, 1999**

Public Hearing on Hunting Ordinance

The Pitt County Board of Commissioners met in a public hearing on Monday, June 21, 1999, at 7:00 p.m. in the Auditorium, Agricultural Building, Pitt County Office Park, Greenville, North Carolina with the following commissioners present:

Eugene James, Chairman
Glenn Bowen, Commissioner
Charles P. Gaskins, Commissioner
David Hammond, Commissioner
Thomas H. Johnson, Commissioner
Mark W. Owens, Jr., Commissioner
Jeffrey E. Savage, Vice Chairman
M. Theresa Shank, Commissioner
Beth B. Ward, Commissioner

Also present were:

Thomas B. Robinson, County Manager
JoAnne Burgdorff, County Attorney
Susan J. Banks, Clerk to the Board
Arlen Holt, PIO and Cable Coordinator
John K. Bulow, Assistant Manager
Melonie Bryan, Director of Financial Services

Call to Order and welcome by Chairman James.

Approval of Agenda

UPON MOTION by Commissioner Gaskins, seconded by Vice Chairman Savage, the Board voted unanimously to approve the agenda as presented.

Mr. Robinson stated that he has a report on a personnel matter to make to the Board which needs to be considered in closed session. Vice Chairman Savage said he would accept that amendment to the agenda and Commissioner Gaskins agreed. The Board voted unanimously to approve the amendment to the agenda.

Chairman James made several comments concerning the Hunting Committee and the proposed ordinance as follows:

- He was designated to appoint a committee to make recommendations for landowners and citizens. Appointed Bill Young as Chairman and believed it was a good group concerned about hunting, rights of individuals and safety. Thanked each one who served on committee.
- He said that they came up with what they thought was the best for everybody.

Mr. Bill Young gave for a short presentation describing the Hunting Ordinance and amendments that had been made to the original proposed ordinance.

Mr. Young stated the committee met on a Saturday morning and stated that it was a very diverse group. The committee's purpose was to come up with laws that would satisfy landowners

and be considerate of hunters rights. He said the hunters in this County have had a good safety record.

Committee members were:

Chairman Eugene James
Commissioner Glenn Bowen
Commissioner David Hammond
Bill Young, President of Wildlife Club
Mike Peaden
Bruce Farmer
Wilton Pate
Bobby Padgett
Thomas Bess
Ken Manning
Carey Faulk
James Marsal, Sheriff's Department

The Committee met again last Wednesday night to look at the laws and ordinance to make sure the laws were worded so that if a hunter was in violation of a law then the officer could enforce the law, but not so people could be trapped by the law.

Mr. Young addressed each of the Regulations being proposed as follows:

- Addresses 3.1 impairment law. No other counties have impairment law. Change to impairing substance or alcohol.
Unlawful to hunt under the influence of an impairing substance.....
- 3.2 added "or lessee" permission must be renewed annually to be effective.
- 3.3 currently have a law about hunting from right of way. Law now reads that it is unlawful to hunt across a public road....
- 3.4 add hunt ...
- 3.5 left as is
- 4.0 Violations: Penalties addresses fee/penalty.

Mr. Young said this was a difficult task and that there were areas that the committee members did not agree with but they came together and voted to approve the proposed ordinance. If this law is passed, you will have some of the most defined laws here in Pitt County.

(PROPOSED)
ORDINANCE GOVERNING HUNTING IN PITT COUNTY

Section 1. TITLE

This Ordinance may be cited as the "Pitt County Hunting Ordinance."

Section 2. SCOPE AND PURPOSE

2.1 Scope. This Ordinance applies to all hunting activities within Pitt County, North Carolina. This Ordinance is enacted by the Board of Commissioners of Pitt County, ("Board") pursuant to North Carolina General Statute 153A-121, which authorizes the Board to define and regulate conditions "detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the County." All provisions of this Ordinance are in addition to those regulations contained in the North Carolina

Administrative Code Title 15A, Department of Environmental, Health, and Natural Resources Chapter 10, Wildlife Resources and Water Safety subchapter 10D. Game Land Regulations.

2.2 Purpose. The Board of Commissioners enacted this Ordinance to protect the safety of its citizens and to encourage the respect of the right of landowners and the privileges of hunters.

Section 3. REGULATIONS

- 3.1 It is unlawful to hunt, or possess a loaded firearm on the land of another while under the influence of an **“impairing substance,”** defined as alcohol, and/or any other drug or psychoactive substance capable of impairing a person’s physical or mental faculties, or any combination of these substances.
- 3.2 It is unlawful to hunt within 300 feet of any residence or occupied building without the written, sign and dated permission of the landowner. This permission must be renewed annually to be effective.
- 3.3 It is unlawful to discharge a firearm while hunting from, onto, across, or on a public road, or the right-of-way of any public road or highway.
- 3.4 It is unlawful to discharge a firearm on or across private or posted land without a lease, or the written, signed and dated permission of the owner or lessee of such land. This permission must be renewed annually to be effective.
- 3.5 It is unlawful to release hunting dogs on private or posted land without a lease, or the written, signed and dated permission of the owner or lessee of such land. This permission must be renewed annually to be effective.

Section 4. VIOLATIONS: PENALTIES

- 4.1 Anyone in violation of hunting, or possession of a firearm on the land of another, while under the influence of an impairing substance shall be subject to the following penalties:
 - (a) First Offense: a fine of \$250.00.
 - (b) Second Offense: a fine of \$250.00 and the loss of hunting privileges for a period of 12 months from the date of the violation.
- 4.2 Anyone in violation of any of the provisions of this Ordinance is subject to a fine of \$250.00.

Section 5. EFFECTIVE DATE

These rules shall be in effect on and after the _____ day of _____, 1999.

Adopted this the _____ day of _____, 1999.

BOARD OF COMMISSIONERS

By: _____
Chairman

ATTEST:

Clerk to the Board

Chairman James opened the public hearing and noted that each speaker try to keep comments to three minutes.

- Bruce Steinbach - 40 years of hunting, landowner - hunting on his farm has become unsafe in the past few years. Dogs are on the land and people are shooting across the land. He has lost livestock to the dogs. He said the regulations are fairly good. He wanted to re-include 3.5 stating that it is unlawful to release or run dogs on private or posted land. He encouraged the Board to adopt and enforce this ordinance this year.
- David Rushing - landowner, parent, hunter - thinks committee has done an excellent job. Is concerned with water hunters shooting across the bank, and asked if this would be a violation. He asked that the committee look into the water hunting.
- Nimette Soli - livestock owner and landowner- satisfied with original ordinance until the committee revised it. Fine job on original, but do not support this final proposal. Its been weakened. She has running dogs on her land and this ordinance puts her back in the same situation she's been in for the last few seasons. Her property is surrounded by a fence but hunters and dogs still come on her property. She stated that the dogs may be released on a neighbors property and then run on her property. She asked that the Board postpone adopting the ordinance tonight.
- Dicky Butler - thanked Board and committee for work on ordinance - said they had addressed all the issues, and been mindful of hunters and landowners.
- Jane Cox - landowner with a pasture off the road - She asked during the hunting season who should be responsible for damages incurred. She said she has a fence down and wanted to know if her child is or animal is on the road and gets hit, who is responsible. She said her daughter had gone horseback riding, with headphones on and she heard her neighbor let his dogs loose and she went out trying to get her daughter back into the house. She stated that two 2 years ago her daughter was in black and on a black horse. She was riding in the woodlands, back by the trees and almost got hit by some bullets.
- John Hill - said the committee had done a good job. He was concerned about the 3.5 phrase about running dogs on land. He said he was not against hunting. Agreed that landowners should give their permission for hunters to be on their property. He said the impaired substance or alcohol needs to be followed up on. He said on December 24, 1992 while out riding his horse an intoxicated deer hunter threatened to shoot his horse. He said the man looked drunk and had a high powered rifle with a scope. He stated that gun powder and alcohol do not mix.
- Dr. Teri Soli - landowner in Stokes area - commended the County for responding to citizens needs. He said he had originally seen an undated draft of the ordinance that was made available several weeks ago, and had felt it was a good and progressive ordinance until reading this Sunday's paper. He requested a copy of the changed ordinance and felt that there had been a bate and switch tactic. He was concerned with Section 2.2 where all rural residents should be respected whether landowners or not; 3.2 rights of landowner should supercede lessee; to hunt means different things to different people. Enforcement of the ordinance, photographs are of little value when they are taken from behind. He encourage the Board to enact a law where hunters had to wear back tags so they can be identified. He asked the Board not to vote on the ordinance since it had been changed.
- Warren Cade - said he had a problem with the "to run dogs" on the ordinance. He said that hunters cannot prevent dogs crossing over posted land when you have released them on other property. He suggested the ordinance remain as presented.
- Jeffrey Williams - stated that the committee members were picked out of three townships and there was no one from the other side of Pitt County. He spoke about running dogs and that foxhunters do not carry a gun so they may not actually be hunting. He stated that the ordinance leaves it with the hunters to prove that the dogs were not released on that land where they may have run on. He said he likes to run dogs to keep them in shape and is not hunting.
- Mervin Taylor - said 3.2 was a problem and how to "hunt" is interpreted. He spoke about the 300 feet rule.

- Wanda Naylor - landowner - said she has found that the hunting practices in Pitt County recently are very unsafe. She said that hunting and possession of firearms is an American heritage which comes responsibility and pride. She said that there is no respect for the law or the landowner. She also asked the Board to consider back tags on the hunters and said that if they were being responsible they should not care if they had to wear back tags. She asked that they put back in 3.5 the "to run" provision. She said she owns property and has not given anyone permission to hunt on her property but they push their dogs on to her land. She said the Game Warden cannot do anything about this and the hunters should be held accountable.
- Rick Hamell - noted 3.2, 3.4 and 3.5 and recommended the change from "hunt" to "discharge of firearm." He spoke concerning fox hunting and asked that on 3.4 and 3.5 take out the section that says if hunting on private or across posted land will have to have permission from the landowners. He said he would need permission from about 200 landowners. He said that Atlas Wooten is skeptical about giving written permission because he does not want to be liable for any accidents on his property. Mr. Hamell asked why punish the landowners that do not mind if you hunt on their land.
- Bob James - said it sounds like problems are with deer hunters because the others do not even use guns. He said that during his hunting he has not seen any disrespect of property owners. He said these proposed regulations make the hunters appear to be hardened criminals. If we have to have name tags lets put name tags on landowners that are opposed to our practices.
- Greg Churchill - Winterville - said that all hunters are being grouped into one category. He said he was a small game hunter and applauds sections 3.1, 3.2, 3.3 but is concerned with 3.4 and 3.5 because he hunts on many different properties. He stated that he and his father have hunted on the same properties for years but do not go annually to the individuals asking for permission. He said the liability issues involved may make the property owners reluctant to give written consent for people to hunt on their property. In addition, he stated that is is difficult to restrain an animal to one piece of property. He asked if the Board could make an exemption for small game or shotgun hunters. He said he respects landowners and does not

hunt on posted land. He asked the Board to give consideration to provisions or exemptions or other types of hunters.

- Bill Churchill stated he had been hunting birds for over 50 years. He said he hunts with permission from property owners and understand their needs. He said he understands that it was a difficult time for the committee to come to terms on a hunting ordinance. Most landowners that have that much property are concerned about safety, damage and liability. Many of them will tell you may hunt on their property but will not give written permission. He said that this ordinance will not work for small game hunters and it may put hunters out of hunting.
- Jack Jackson - said he was concerned with the section 3.2 concerning the hunting within 300 ft. of a residence. He talked about leased land that backs up to property that you have permission to hunt on. He stated that the ordinance needs more clarity. He also stated that section 3.5 needs to have reinstated the item about running dogs on posted land. He stated that one answer to individuals that have gone out in the County and bought small farms or property is to fence in the property. He said the fences would keep the deer out also.
- Betty Burlingham - landowner with 465 acres on Old River Road - said her acres are completely fenced in but that the fences have been cut and the people still hunt on their property. She said she has lost two cows and one sheep to stray bullets. She has had sheep injured by hunting dogs running across their property. She stated that she had three children and two have been narrowly missed by bullets coming onto their property. She asked the Board to reconsider the back tag issue so the hunters can be identified.
- Ted Vandiford - said the Hunting committee did an outstanding job in trying to address all of the issues. He said that the people that are worried about their fences being cut should depend on the existing laws about destruction to private property. He asked the Board to reconsider section 3.2.

- George Hardee - stated his thanks to the committee member for the proposals they had brought forth.
- Michael Hardee - said that sections 3.2, 3.3, 3.4 need to have to hunt removed or to be more defined. He said he may be in the area trying to remove a dog and not actually hunting and may be fined.
- Charlie (did not provide last name) - said he had heard a lot of negative comments about hunters and not enough about the positive side. He said that the hunters that he knows are always emphasizing the safety issues. He stated that hunters need to know the area they are hunting in. He said they should have a paper drawn up releasing people from any liability. He stated that you should know what you are shooting at and do not shoot unless you can see what you are shooting. He expressed several time the fact that the hunters are concerned with the safety issue.
- Brian Hobbs - said he was concerned with the section 3.2, with the 300 ft clause. He was concerned about trying to catch running dogs and the Game Warden considering that "hunting." He said the hunters get the most trouble from people who own very little property. He stated that you have no control over your dogs when they get out of your sight.
- Alvin Merritt - said it was hard to hunt dogs and not bother anybody. Dogs go where the game animal goes and most of the time you are trying to get your dogs and get away.
- Chad Cannon - concerned with sections 3.2 and 3.5. He is a deer hunter and stated that unsafe hunters are kicked out of the hunt club. He said he did not want fines for trying to catch dogs on somebody's property that is posted.

Chairman James closed the public hearing after everyone who wished to speak had spoken. He expressed the Board's appreciation to for everyone coming tonight.

Commissioners' Comments

Commissioner Owens stated that sole purpose for this public hearing was to hear from the people who were not on committee. He stated that the Clerk had been recording the meeting and could give the tape to committee members for them to review. Commissioner Hammond said he had not heard many complaints about people retrieving dogs from posted or private land. He asked if a person even has a weapon are they still looked at as hunting, even when they are just running dogs?

UPON MOTION by Commissioner Owens, seconded by Commissioner Ward, the Board voted unanimously instruct staff to forward the audio tape and comments to the Hunting Committee in order for them to compile information and return with recommendations to the Board at the July 12th Board meeting.

Closed Session

UPON MOTION by Commissioner Hammond, seconded by Commissioner Ward, the Board voted to go into closed session under provision of G.S. 143-318.11(a)(6) personnel item as stated by the County Attorney.

UPON MOTION by Commissioner Shank, seconded by Commissioner Ward, the Board voted to return to regular session and adjourn the meeting around 9:10 p.m.

Respectfully submitted,

Susan J. Banks, CMC
Clerk to the Board

